

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MARIO KRIS KASALO, on behalf of)	
himself and all others similarly situated,)	
)	
Plaintiff,)	
)	Civil Action No. 19-cv-06823
v.)	
)	Hon. John Z. Lee
UNITED RECOVERY SERVICE, LLC,)	
)	Magistrate Judge Sunil R. Harjani
Defendant.)	

Initial Status Report

I. The Nature of the Case

A. Attorneys of Record

Plaintiffs

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Defendants

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B. Jurisdiction

1. This Court has jurisdiction pursuant to § 1692k(d) of the FDCPA, and 28 U.S.C. § 1331.

C. Claims Asserted In Complaint

1. URS used an unfair practice to collect or attempt to collect a debt, in violation of 15 U.S.C. §§ 1692f and 1692f(8), when it repeatedly sent Plaintiff a letter in an envelope that indicated it is in the debt collection business.
2. URS misrepresented the amount of a debt, namely the Gruner debt, in violation of 15 U.S.C. §§ 1692e and 1692e(2)(A), when it communicated an inflated balance to Plaintiff.
3. URS attempted to collect an amount that was not authorized by any agreement or permitted by law, namely the Gruner debt, in violation of 15 U.S.C. § 1692f.
4. URS failed to properly state the amount of the debt in its initial communication to Plaintiff, and/or within 5 days of the initial communication, in violation of 15 U.S.C. 1692g(a)(1), when it presented Plaintiff with an inflated balance.
5. URS failed to provide notice of Plaintiff's right to dispute an alleged debt, and to request the name and address of the original creditor, in violation of 15 U.S.C. § 1692g(a)(3)-(5) of the FDCPA, when it mailed a letter that did not contain such notices directly to Plaintiff.
6. No counter-claims are currently being asserted.

D. Major Legal & Factual Issues

1. The following is a list of anticipated legal and factual issues in this case:

1. **For the Plaintiff:** Whether Plaintiff is a consumer; whether Defendants are debt collector as defined by the FDCPA; whether the communications made by Defendants violated the FDCPA; whether the alleged debt is a consumer debt, Defendants' net worth, Number of Class Members, and validity of Defendants' affirmative defenses.
2. **For the Defendant:** The legal issues are (i) whether Plaintiff states a claim under the FDCPA; (ii) whether Defendant's Envelope, which lists its name and address, is benign or violates 1692f; specifically, whether use of Defendant's name on its envelope satisfies the business name exemption in section 1692f(8), which provides a collector may use his business name if such name does not indicate he is in the debt collection business. Determining whether the words "United Recovery Service" in the business name satisfies the statute is a legal question. To raise it as a factual matter will require plaintiff provide extrinsic evidence, such as consumer surveys, to satisfy the relevant tests in the 7th Circuit. The factual issues are determining the basis and extrinsic evidentiary support for Plaintiff's allegations of (1) a breach of FDCPA; (2) willfulness; (3) whether the alleged debt was accurate and owed at the relevant time of collection; (4) the merits of

Defendant's affirmative defenses, including application of the
Bona Fide error defense under Section 1692.

E. Plaintiff is seeking:

1. Statutory damages pursuant to 15 U.S.C. § 1692k(a)(2);
2. Costs and reasonable attorney fees pursuant to 15 U.S.C. § 1692k(a)(3);
and
3. Such other or further relief as the Court deems proper.

II. Pending Motion & Case Plan

- A. The initial status hearing is set for January 16, 2020 at 9:00 am.
- B. There are currently no motions pending before this Court.

III. Proposal For Discovery

1. The Discovery needed by Plaintiff will be approximately 2-3
Depositions, Requests for Production, Requests to Admit &
Interrogatories to Defendant; short of resolution, Defendant anticipates a
deposition of Plaintiff, witnesses or experts, written discovery
concerning accuracy of the alleged debt.
2. MIDP will be due on March 3, 2020;
3. Written Discovery will be issued by April 3, 2020;
4. Amendment of Pleading by May 5, 2020;
5. Fact Discovery will close on June 8, 2020;

B. Trial

1. Plaintiff has requested a trial by jury.
2. The trial is anticipated to last 2-3 days.

IV. Consent To Proceed Before A Magistrate Judge

- A. The parties do not unanimously consent to proceed before a Magistrate Judge on all matters at this time.

V. Status of Settlement Discussions

- A. Plaintiff has not made a class demand.
- B. Plaintiff has not made an individual demand.
- C. Defendant requested a demand and awaits a response. Defendant agreed to provide Plaintiff an affidavit indicating its financial hardship. Alternatively, Defendant requests a settlement conference with the magistrate within 45 days, or at the earliest available time.

Dated: January 10, 2020

Counsel for Plaintiff

s/ Celetha Chatman

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Attorney for Defendant

CERTIFICATE OF SERVICE

I, Celetha C. Chatman, an attorney, hereby certify that on January 10, 2020, I electronically filed the foregoing document using the CM/ECF system, which will send notification of such filing to all attorneys of record.

Respectfully submitted,

By: s/Celetha Chatman
One of Plaintiff's Attorneys

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